

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-384 (Sub-No. 1X)

DELTA SOUTHERN RAILROAD, INC.–ABANDONMENT EXEMPTION–BETWEEN LAKE
VILLAGE, AR, AND SHELburn, LA

IN THE MATTER OF A REQUEST TO SET TERMS AND CONDITIONS

Decided: February 7, 2005

Delta Southern Railroad, Inc. (DSR), filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon a 30.0-mile portion of its Lake Providence Line (the line), between milepost 433.0, near Lake Village, AR, and milepost 463.0, near Shelburn, LA. Notice of the exemption was served and published in the Federal Register on June 10, 2004 (69 FR 32657-58).

On November 30, 2004, Southeast Arkansas Economic Development District (SAEDD) and Lake Providence Port Commission (LPPC) timely filed an offer of financial assistance under 49 U.S.C. 10904 and 49 CFR 1152.27(c) to purchase the line for \$815,000.

On December 30, 2004, SAEDD and LPPC, now joined by Madison Parish Port Commission (collectively, Offerors), requested that the Board set the terms and conditions for the sale because the parties were unable to agree on the sale price.¹

By decision served on January 28, 2005, the Board set the purchase price for the line at \$1,831,408 and established terms for the transfer of the line. The Offerors were given until February 7, 2005, to accept the terms and conditions. On February 4, 2005, DSR requested a 30-day extension for the Offerors to accept the terms and conditions imposed in the January 28, 2005 decision. In support of its extension request, DSR states that the parties are engaged in discussions that may lead to an agreement on the terms and conditions of the sale, and that more time is needed to reach an agreement. According to DSR, the Offerors concur with this request. Under the circumstances, the request is reasonable and will be granted.

¹ On January 7, 2004, DSR filed a reply to the request to set terms and conditions.

It is ordered:

1. DSR's request for an extension of time for the Offerors to accept or reject the terms and conditions of the sale of the line is granted.
2. To accept the terms and conditions established in the January 28, 2005 decision, the Offerors must notify the Board and DSR in writing, on or before March 7, 2005.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary